

## **REMARKS**

In the Office Action, the drawings were objected to under 37 C.F.R. § 1.83(a) as allegedly failing to show every feature of the invention; Claims 3-6, 9, 10 and 16 were rejected under 35 U.S.C. 112, second paragraph, as allegedly indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention; Claims 1-4, 6-9, 11 and 15-17 were rejected under 35 U.S.C. 102(b) as allegedly anticipated by Beach, Jr. (U.S. Pat. No. 2,381,394); Claims 1, 3, 6, 8-12, 18-21 and 23 were rejected under 35 U.S.C. 102(b) as allegedly anticipated by Puchois (U.S. Pat. No. 3,950,806); Claims 27, 29, 30, 33 and 35-37 were rejected under 35 U.S.C. 103(a) as allegedly unpatentable over Beach, Jr.; Claim 28 was rejected under 35 U.S.C. 103(a) as allegedly unpatentable over Beach, Jr. as applied to Claim 27 above, and further in view of Wolfe (U.S. Pat. No. 4,103,379); Claim 31 was rejected under 35 U.S.C. 103(a) as allegedly unpatentable over Beach, Jr. as applied to Claim 30 above, and further in view of Tihany (U.S. Pat. No. 4,771,722); and Claim 34 was rejected under 35 U.S.C. 103(a) as allegedly unpatentable over Beach, Jr. as applied to Claim 27 above, and further in view of Duren (U.S. Pat. No. 5,593,331). Also in the Office Action, Claims 13, 14, 25, 26, and 32 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claim.

As an initial matter, Applicant respectfully directs the Examiner's attention to Applicant's IDS listing seven (7) items including Puchois (U.S. Pat. No. 3,950,806) filed with the Application on January 29, 2004. For the Examiner's convenience, Applicant has enclosed a copy of the IDS as filed. Applicant respectfully requests the Examiner's acknowledgement and consideration of Applicant's IDS by returning an initialed copy of the IDS with the next Office

Action.

In this Amendment, Applicant has amended Claims 3-6, 9, 10 and 16 and added Claim 38. Thus, Claims 1-38 are pending of which Claims 1, 18, 27, 37 and 38 are independent claims.

In response to the drawings objection 37 C.F.R. § 1.83(a), Applicant has proposed amending Figure 3 as requested in the Drawing Amendments section herein. Thus, Applicant respectfully requests entry of Replacement Figure 3 and removal of the drawings objection.

Claims 3, 6, 9, 10, and 16 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.<sup>1</sup> Applicant has suitably amended Claims 3, 4, 6, 9, 10 and 16 to move the application forward and respectfully requests removal of the rejection and allowance of Claims 3, 4, 6, 9, 10 and 16.

Applicant respectfully traverses the rejection of Claim 1 as anticipated by Beach, Jr. Claim 1 recites a buoy for mooring vessels comprising a shell having an outer surface with a pocket defined therein, the pocket configured to maintain a fastening device below a plane of the outer surface in a direction of a midpoint of the buoy such that a vessel moored to the buoy is shielded from contact by the fastening device; and a buoyant element retained within the shell to provide flotation. Applicant respectfully submits that Beach, Jr. does not disclose or suggest each and every element of Claim 1.

Beach, Jr. is generally directed to a mooring buoy for marine aircraft having an exposed ring 23, an exposed ring 51 or an exposed handle-shaped fixture 61, as shown respectively in

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<sup>1</sup> Applicant believes that the Examiner did not intend to reject Claim 5 although initially grouped in paragraph 3, pg. 3 of the Office Action since the "metes and bounds of Claims 3, 4, 6, 9, 10 and 16" are discussed but not Claim 5. If the Examiner intended to reject Claim 5, Applicant respectfully traverses the rejection and respectfully submits that Claim 5 is definite and distinctly claims the invention.

Figures 2, 4 and 5. The cited reference does not teach or suggest maintaining these rings 23,51 or fixture 61 below an outer surface of its buoy body 10 or spherical structures 46,60. Thus, Beach, Jr. fails to anticipate Claim 1.

Moreover, Beach, Jr. teaches away from Claim 1. Applicant respectfully directs the Examiner's attention to p. 3, col. 2, ll. 29-31, of Beach, Jr.: "The ring 23 is located partly in the concavity 11, but projects above the same for easy accessibility". Applicant respectfully submits that one skilled in the art of mooring buoys simply would not have looked to the cited reference to solve the problems addressed by Claim 1. Thus, Applicant respectfully submits that Beach, Jr. is an insufficient reference and respectfully requests withdrawal of the rejection to Claim 1 and allowance of Claim 1 and its dependent Claims 2-17.

Applicant respectfully traverses the rejection of Claim 1 as anticipated by Puchois. In pertinent part noted above, Claim 1 recites the buoy with the pocket configured to maintain the fastening device below a plane of the outer surface in a direction of a midpoint of the buoy such that a vessel moored to the buoy is shielded from contact by the fastening device. Applicant respectfully submits that Puchois does not disclose or suggest each and every element of Claim 1.

Puchois is generally directed to a mooring buoy having an exposed or exposable shackle 7,20. Puchois does not teach or suggest maintaining the shackle below a surface of its buoy such that a hull of the vessel moored to the buoy is shielded from contact by the shackle. Thus, Puchois fails to anticipate Claim 1.

Moreover, Puchois teaches away from Claim 1. Again and again throughout the cited reference including its drawings, Puchois teaches disposing its shackle outside of its buoy or making the shackle movable away from its tube toward an outside of its buoy. For example, at

col. 3, ll. 19-22, Puchois describes pulling a chain 3 to which the shackle 7 is attached “up the tube 10” such that another shackle 12 can “pass upwards to the level of the handle 13”, which means the shackle 7 is fully exposed to a ship’s hull. Thus, Puchois desires for its shackles to be exposable (e.g., Figs. 2-3) or exposed (e.g., Fig. 4), which clearly teaches away from maintaining its shackles below an outer surface of its buoy. Applicant respectfully submits that one skilled in the art of mooring buoys simply would not have looked to the cited reference to solve the problems addressed by Claim 1. Accordingly, Applicant respectfully submits that Puchois is an insufficient reference and respectfully requests withdrawal of the rejection to Claim 1 and allowance of Claim 1 and its dependent Claims 2-17.

Applicant also respectfully traverses the rejection of Claim 18 as anticipated by Puchois. Claim 18 recites a mooring device for a buoy comprising in pertinent part a pocket defined in a surface of a buoy to retain a shackle below the surface in a direction of a midpoint of the buoy such that a hull of the vessel moored to the buoy is shielded from contact by the shackle. For at least the reasons discussed above, Applicant respectfully submits that Puchois does not disclose or suggest each and every element of Claim 18 and furthermore, teaches away from Claim 18. Thus, Applicant respectfully submits that the cited reference does not anticipate Claim 18, and Applicant respectfully requests removal of the rejection and allowance of Claim 18 and its dependent Claims 19-26.

Applicant respectfully traverses the rejection of Claims 27 as unpatentable over Beach, Jr. In pertinent part, Claim 27 recites a method of manufacturing a buoy, comprising the steps of forming a shell defining a shackle pocket therein and attaching a shackle within the shackle

pocket such that the shackle is disposed beneath a surface of the shell. Applicant respectfully submits that Beach, Jr. does not disclose or suggest each and every step of Claim 27.

As the Office Action concedes, Beach, Jr. fails to disclose the manner in which a tube is attached to its shell. In further contrast to Claim 27, the cited reference does not disclose or suggest a buoy that retains its shackle below the surface of the buoy and in fact teaches away from Claim 27 as noted above. For at least the foregoing reasons, Applicant respectfully submits that Claim 27 is patentable over Beach, Jr. and requests removal of the rejection and allowance of Claim 27 and its dependent Claims 28-36.

Also for at least the reasons set forth above, Applicant respectfully submits that Claim 37, which recites in part a shackle disposed beneath a surface of a buoy shell, is patentable over Beach, Jr. Thus, Applicant respectfully requests removal of the rejection and allowance of Claim 37.

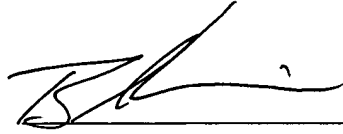
Applicant respectfully requests allowance of new Claim 38. Applicant respectfully submits that Claim 38 essentially claims the subject matter of allowable Claim 13 and that no new matter has been added requiring a new search by the Examiner.

Applicant respectfully submits that the present Amendment responds directly to matters raised in the Office Action, and places the Application in condition for allowance. Accordingly, Applicant respectfully requests reconsideration of the Application and allowance of Claims 1-38.

If the Examiner has any questions upon consideration of this Amendment, Applicant invites the Examiner to contact the undersigned at the number appearing below. Please charge any additional fees required by this Amendment to Deposit Account No. 04-1403.

Respectfully submitted,

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